

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 8/16/07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

INDYMAC BANK, F.S.B.,

Plaintiff,

– against –

NATIONAL SETTLEMENT AGENCY, INC.; :
STEVEN M. LEFF; RACHEL M. LEFF; :
RICHARD A. LEFF; JOHN DOES 1–100, :

Defendants. :

Case No.: 07 cv 6865 (LTS)

**ORDER OF ATTACHMENT,
PRELIMINARY INJUNCTION,
AND ORDER ALLOWING
EXPEDITED DISCOVERY**

**AS AGAINST STEVEN M. LEFF
AND NATIONAL SETTLEMENT
AGENCY, INC.**

UPON plaintiff IndyMac Bank, F.S.B.'s Orders to Show Cause dated August 6 and 8, 2007, the Affidavit of Nicholas J. Nyland sworn to August 1, 2007, the Declaration of David J. Galalis dated August 6, 2007, the Memorandum of Law dated August 6, 2007, and the Declaration of David J. Galalis dated August 7, 2007 and due deliberation being had thereon;

AND plaintiff having filed a Summons and Complaint on July 31, 2007 and the Order to Show Cause having been filed on August 14, 2007 requiring Steven M. Leff and National Settlement Agency, Inc. to show cause why the following orders should not be entered: (1) an order of attachment pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6201, (2) a preliminary injunction pursuant to Fed. R. Civ. P. 65; (3) an order allowing continued expedited third-party discovery; and (4) an order allowing expedited discovery against Steven M. Leff and National Settlement Agency, Inc.;

AND plaintiff having filed an undertaking in the sum of \$10,000 pursuant to the Order to Show Cause dated August 6, 2007;

AND Steven M. Leff and National Settlement Agency, Inc. having been served through Larry H. Krantz, Esq., Krantz & Berman, 747 Third Avenue, 32nd Floor, New York, NY 10017 on August 8, 2007 with the Order to Show Cause dated August 8, 2007, directing them to appear before this court on this day;

AND the plaintiff having appeared before this Court on August 16, 2007 and Steven M. Leff having appeared by Michael Soshnick, and National Settlement Agency, Inc. having failed to appear;

AND the Court having determined, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6201(3) and 6212 that: (a) plaintiff has causes of action whereby it has demanded and would be entitled to a money judgment against Steven M. Leff and National Settlement Agency, Inc. in the amount of \$2,349,150.00, plus interest, costs, and disbursements, (b) it is probable that the plaintiff will succeed on the merits of its claims against Steven M. Leff and National Settlement Agency, Inc., (c) Steven M. Leff and National Settlement Agency, Inc. with intent to defraud the plaintiff or frustrate the enforcement of a judgment that might be rendered in the plaintiff's favor, have assigned, disposed of, and secreted property, and are about to continue such acts, and (d) the amount demanded from Steven M. Leff and National Settlement Agency, Inc. exceeds all counterclaims known to the plaintiff;

IT IS HEREBY ORDERED THAT the amount to be secured by this Order of Attachment shall be \$2,349,150.00 plus the legal rate of interest thereon from June 13, 2007, costs, and United States Marshals Service's fees and expenses; and it is further

ORDERED that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. §§ 6210 & 6211(a), the United States Marshals Service of the Southern District of New York or of any district in the State of New York shall levy, at any time before final judgment, upon the joint or respective

assets of Steven M. Leff and National Settlement Agency, Inc. situated in the State of New York, including but not limited to, any interest of Steven M. Leff or National Settlement Agency, Inc. in personal or real property, any debt owed to Steven M. Leff or National Settlement Agency, Inc., or any investment accounts and investments, including commercial paper, which any third-party (including JP Morgan Chase) keeps in trust or possession for the benefit of National Settlement Agency, Inc., Steven M. Leff, Samuel (Sam or Sammy) Leff, or Ryan Leff, as will satisfy the above-stated amount to be secured by this Order of Attachment; and it is further

ORDERED that, pursuant to Fed. R. Civ. P. 64 and C.P.L.R. § 6220, on or before August 20, 2007 Steven M. Leff and National Settlement Agency, Inc. shall provide counsel for plaintiff a sworn affidavit enumerating in detail each and every bank account, investment account, investment, commercial paper, parcel of real property, motor vehicle, watercraft, or other personal property of \$10,000 of value or more, whether held personally or in trust, and the location and garnishee of each; and it is further

ORDERED that, pending the final resolution of this action, or an Order of this Court directing otherwise, Steven M. Leff, acting in his personal capacity or as custodian or trustee, and National Settlement Agency, Inc. and their garnishees, officers, directors, partners, affiliates, agents, employees, assigns, and any entities or individuals acting on their behalf, are restrained and enjoined from directly or indirectly secreting, transferring, selling, alienating, concealing, encumbering, or otherwise dissipating any of Steven M. Leff or National Settlement Agency Inc.'s assets, or paying any debt owed by Steven M. Leff or National Settlement Agency, Inc., up to \$2,349,150.00 plus interest, costs, disbursements, and fees, but excluding ordinary and usual living and business expenses; and it is further

ORDERED that the plaintiff may immediately begin taking discovery from Steven M. Leff and National Settlement Agency, Inc. and may continue to serve subpoenas upon JP Morgan Chase Bank, and any other third party, for any purpose.

Dated: New York, New York

8-16-07

SO ORDERED: Kim M. Wood
United States District Judge
PART I

FELDMAN WEINSTEIN & SMITH LLP
Attorneys for Plaintiff IndyMac Bank, F.S.B.

By: 

Eric Weinstein (EW 5423)
Yong Hak Kim (Of Counsel)
David J. Galalis (DG 1654) -
420 Lexington Avenue, Ste. 2620
New York, NY 10170
(212) 869-7000